THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.24429 of 2005

Date: 17.11.2005

Between:

Smt. Vempalli Jaharabi.

.. PETITIONER

AND

The Executive Engineer, R&B, and another.

.. RESPONDENTS

ORDER:

The petitioner claims that he has constructed a house in his patta land in Survey No.383/1, admeasuring Ac.0.36 cents, of Kalikiri Village and Mandal, Chittoor District. He complains that the 1st respondent is taking steps to get the said house demolished, without following any procedure. The petitioner asserts that the house is not constructed in any road margin.

Heard the learned counsel for the petitioner and the learned Government Pleader for Roads and Buildings.

In the ordinary course of things, the Executive Engineer of Roads and Buildings Department has nothing to do with the buildings constructed in patta lands. He can take steps for demolition, if only any buildings are constructed on the road margin or by encroaching any portion of the road. As of now, nothing is clear on these aspects. Even if the petitioner is found to have constructed any house in

the road margin, the 1st respondent is under obligation to issue notice and take further steps.

For the foregoing reasons, the Writ Petition is disposed of, directing that before taking any action against the house or other structures raised by the petitioner in his land in Survey No.383-1, the 1st respondent shall issue notice and take further steps, in accordance with law. There shall be no order as to costs.

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17.11.2005

Jsu